

REMARKS

The Examiner is again thanked for his careful consideration of the application and Applicant's recent comments. Favorable reconsideration of the above-identified application is requested in view of the following remarks.

Claims 1-40 are pending, with Claims 1, 14, 24 and 27 being independent. The Examiner is thanked for indicating that Claims 7, 8, 20, 21, 33 and 34 contain allowable subject matter.

Claims 1-3, 9, 11, 14-16, 22-29 and 35 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Bates*. Claims 4, 6, 10, 17, 19, 30, 32 and 36-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bates* in view of *Honda* (Translation of Japanese Patent No. 09-025285A), hereinafter *Honda*. Claims 5, 18 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bates* in view of *Honda* and further in view of *Fujimoto et al.* (U.S. Patent No. 5,930,385), hereinafter *Fujimoto*. Claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bates* in view of *Adegeest* (U.S. Patent No. 5,872,572), hereinafter *Adegeest*.

Independent Claim 1 recites, in combination with other claimed features, means for grouping all the colors in the first image data into groups of approximately equal colors and comparing each of the first image data groups of colors to all the colors of the second image data and for specifying a uniform adjusting color, that makes the first image data recognizable against all colors of the second image data that serve as the first image data's background.

Applicant has previously argued that *Bates* does not disclose that each text object may comprise a plurality of colors. For purposes of the latest Office Action,

the Examiner has accepted this analysis, without conceding its propriety. Applicant's position remains that its interpretation of *Bates* is correct, and again incorporates the previous remarks herein by reference.

The Examiner's new interpretation of *Bates* is not quite clear. During a telephone call, the Examiner indicated that his position is now that each of *Bates*' foreground text constitutes a claimed "group" of approximately equal colors, even though each "group" includes only one color. In other words, the Examiner states that each foreground text object is a group of one text object having substantially the same color.

It is assumed that each text object in *Bates* is a single color. However, if the first image data in *Bates* has only one color, then *Bates* does not teach "means for grouping all the colors in the first image data into groups of approximately equal colors". It would not make sense for *Bates* to teach such a grouping means because there would be nothing to group if each text object was only one color.

Accordingly, under the Examiner's new interpretation, *Bates* does not teach or suggest the combination of claim 1.

Accordingly, *Bates* does not teach or suggest claim 1.

The remaining independent claims and dependent claims are also patentable at least for the reasons set forth above.

The dependent claims are rejected either over *Bates*, or over *Bates* in view of various secondary references. None of the rejections of the dependent claims remedy the deficiencies of the rejections of the independent claims, and the dependent claims should be allowable at least by virtue of their dependence from allowable independent claims.

For the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.

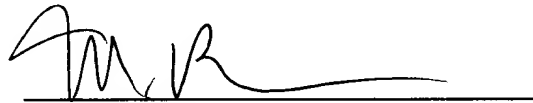
Should any questions arise in connection with this application, or should the Examiner feel that a teleconference would be helpful in resolving any remaining issues pertaining to this application, the undersigned requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: February 14, 2008

By:

A handwritten signature in black ink, appearing to be 'M. Britton', written over a horizontal line.

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